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VICTOR LEONARDO GARIBAY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

VICTOR LEONARDO GARIBAY,

Defendant.

Case No. 1:21-mj-00011-SAB

**UNOPPOSED MOTION TO MODIFY
CONDITIONS OR PRETRIAL RELEASE;
ORDER**

Defendant Victor Leonardo Garibay hereby moves this Court for a modification of his conditions of release, originally ordered on March 1, 2021, so that he may travel without location monitoring to and from the Eastern District of Oklahoma (the “Charging District”) for the purposes of attending in-person court hearings. ECF No. 8. Neither the Government nor the Pretrial Services Office oppose this Motion.

Mr. Garibay appeared in court for an initial appearance pursuant to a superseding indictment out of the Charging District on February 22, 2021. ECF No. 2. After holding a detention hearing, this Court ordered Mr. Garibay’s release subject to conditions, including that his travel be restricted to the Eastern District of California and the Charging District for court-ordered purposes only unless otherwise approved in advanced by the Pretrial Services Office (Condition (c)), and he be subject to and comply with the requirements of location monitoring (Condition (q)). ECF No. 8.

By minute order, the Charging District has ordered to appear in person for an arraignment scheduled for March 25, 2021 at 2:00 p.m. *See United States v. Garibay*, No. 6:20-cr-00032-RAW, ECF No. 117 (E.D. Okla.).

On March 22, 2021, Renee Basurto of the Pretrial Services Office emailed undersigned counsel requesting that she get a court order permitting Mr. Garibay to travel without location monitoring to and from the Charging District for the purpose of attending his in-person court appearance. *See Exhibit A (Email Correspondence)*. Officer Basurto said that Mr. Garibay had been compliant with his location monitoring requirements while on pretrial release. *Id.*

Accordingly, and as it appears that Mr. Garibay will need to travel to and from the Charging District for in-person court appearances, Mr. Garibay now respectfully requests that this Court modify his conditions of release to permit him to travel without location monitoring from the Eastern District of California to the Charging District and vice versa for the purposes of attending all in-person court appearances.¹ In advance of his travel, Mr. Garibay will notify the Pretrial Services Office regarding the details of his method of transportation and all overnight accommodations. Mr. Garibay will also report as directed by the Pretrial Services Office in the Charging District upon his arrival in the Charging District. Given the above, neither the Government nor the Pretrial Services Office oppose the modification.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

DATED: March 23, 2021

By: /s/ Jaya Gupta
JAYA C. GUPTA
Assistant Federal Defender
Attorney for Defendant
VICTOR LEONARDO GARIBAY

¹ Mr. Garibay's location monitoring device will remain on his person; he, however, will not be monitored while travelling to, while in, and from the Charging District. Once Mr. Garibay returns to the Eastern District of California, his location monitoring will resume.

ORDER

For the reasons stated in Defendant Victor Leonardo Garibay's Unopposed Motion to Modify Conditions of Pretrial Release, and because neither the Government nor the Pretrial Services Office oppose the modification, the Court finds that there is good cause to modify Mr. Garibay's conditions of release, and that the conditions, as modified, continue to reasonably assure his appearance in Court and the safety of the community.

Therefore, the Court ORDERS that Mr. Garibay be released on all prior court-imposed conditions of pretrial release, with the following modifications:

1. Mr. Garibay is permitted to travel without location monitoring from the Eastern District of California to the Eastern District of Oklahoma for the purposes of attending all in-person court appearances. Mr. Garibay's travel once he arrives in the Eastern District of Oklahoma will be limited to attending court appearances and other court-ordered obligations, attorney visits, obtaining sustenance, getting medical attention, and other essential activities (as defined in Condition (q)) as pre-approved by the Pretrial Services Office. Location monitoring will resume upon Mr. Garibay's return to the Eastern District of California following in-court appearances in the Eastern District of Oklahoma, and the location monitoring condition shall otherwise remain in full force and effect except as modified herein.
2. In advance of his travel, Mr. Garibay will notify the Pretrial Services Office in the Eastern District of California regarding the details of his method of transportation and all overnight accommodations.
3. Upon his arrival in the Eastern District of Oklahoma, Mr. Garibay will report as directed by the Pretrial Services Office in the Eastern District of Oklahoma.

IT IS SO ORDERED.

Dated: March 23, 2021


UNITED STATES MAGISTRATE JUDGE